IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 19737 of 2004

Between:

P. Wamana Rao, S/o Satyanarayana,
Narayanpur-1 Village, Rebenna Mandal, Adilabad District.

..... PETITIONER

AND

The Sub Collector, Asifabad, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction of Writ more particularly one in the nature of Writ of Mandamus Directing the Respondents to allow the Petitioner to run the Fair Price Shop in Narayanpur-1 Village, Rebenna Mandal, Adilabad District in view of renewal of Authorization for the year 2004-2005 & 2005-2006 and subsequently declare the illegal action of the Respondent in allowing the unauthorized persons from distributing Essential Commodities instead of the petitioner as bad in law and violative of Clause 5 (1) & other Provisions of A.P. State Public Distribution System Control Order, 2001.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondent.: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner claims to have been appointed as a Fair Price Shop Dealer of Narayanpur-1 Village, Rebenna Mandal, Adilabad District, through proceedings, dated 26.02.2002. He states that he has been supplying the essential commodities ever sine then, without any complaint. His grievance is that in the recent past, the respondent is not allotting the essential commodities to him for distribution in the fair price shop. It is also alleged that even during the subsistence of authorization in favour of the petitioner, 2nd respondent is permitting others to distribute the essential commodities in that area.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Once an individual is appointed as Fair Price Shop Dealer, he shall be entitled to supply the essential commodities, as long as the authorisation is in force. If the dealer resorts to any irregularities, the appointing authority is vested with the power to take suitable action. However, as long as the authorization is in force, he cannot deny the allotment of the essential commodities nor others can be permitted to supply the food grains in their area.

Hence, the writ petition is disposed of directing the respondent to allot essential commodities to the petitioner, if the authorization in his favour is valid and is in force, and consequently no other individual shall be permitted to distribute commodities in the fair price shop, for which the petitioner is appointed as a dealer. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 2nd December, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The Sub Collector, Asifabad, Adilabad District.

2 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

3 2CD copies